

REMARKS/ARGUMENTS

Claims 1-3, 5 and 7-40 are currently pending in the application. Claims 4 and 6 have been canceled without prejudice. Claims 1-3, 5 and 7-40 were rejected in the Office Action mailed August 20, 2008 (hereinafter referred to as "Office Action"). This response is being filed with a Request for Continued Examination and a credit card authorization for the required fees. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-3, 5 and 7-40 under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Patent No. 6,772,146 to Khemlani et al. (hereinafter referred to as "Khemlani") in view of U.S. Patent No. 6,772,132 to Kemp, II et al. (hereinafter referred to as "Kemp") in view of U.S. Patent No. 6,211,880 to Impink, Jr. (hereinafter referred to as "Impink"). Applicant respectfully submits that claims 1-3, 5 and 7-40 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Claims 1, 26 and 40

The Office Action indicated that "Khemlani fail[s] to explicitly teach displaying a visual favorable/unfavorable trade indicator comparing the opening value trend to the closing value trend for the investment". In addition, the Office Action indicated that "Khemlani and Kemp, II fail to explicitly teach displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend to the closing value trend for the investment, wherein the visual favorable/unfavorable trade indicator for the time interval is a first color whenever the closing value trend is greater than the opening value trend and the visual favorable/unfavorable trade indicator for the time interval is a second color whenever the closing value trend is lower than the opening value trend for the time interval". Finally, the Office Action indicated that Impink discloses that a "display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the 'services sector'" and this concept cures the deficiencies of Khemlani and Kemp. Applicant respectfully disagrees.

More specifically, applicant respectfully submits that Kemp displays market depth so as to "increase[e] the likelihood that the trader will have orders filled at desirable prices and quantities" (Abstract). Kemp does not disclose, teach or suggest displaying visual favorable/unfavorable trade indicators based on a comparison of opening value trends and closing value trends for various time intervals such that the indicators alert the user to a best time interval to enter or exit the investment. Moreover, Kemp's market depth indicator display is not based on various time intervals. Khemlani and Impink do not cure these deficiencies. Moreover, it would not have been obvious to change Kemp's market depth indicator to display visual favorable/unfavorable trade

indicators based on a comparison of opening value trends and closing value trends for various time intervals such that the indicators alert the user to a best time interval to enter or exit the investment as recited in claim 1, 26 and 40.

As a result, applicant respectfully submits that the cited references do not disclose, teach or suggest:

displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment, wherein the first visual favorable/unfavorable trade indicator is *a first color whenever the first closing value trend is greater than the first opening value trend* and the first visual favorable/unfavorable trade indicator is *a second color whenever the first closing value trend is lower than the first opening value trend*; and

displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is *the first color whenever the second closing value trend is greater than the second opening value trend* and the second visual favorable/unfavorable trade indicator is *the second color whenever the second closing value trend is lower than the second opening value trend*; and

wherein the first and second visual favorable/unfavorable trade indicators alert a user to a best time interval to enter or exit the investment.

Applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 1, 26 and 40 as amended. Accordingly, applicant respectfully submits that claims 1, 26 and 40 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 26 and 40 be withdrawn.

Claims 2-3, 5, 7-25 and 27-39

Applicant respectfully submits that claims 2-3, 5, 7-25 and 27-39 depend from claims 1, 26 and 40 which are allowable for the reasons stated above, and further distinguish over the cited references. In addition, applicant respectfully submits that the cited references do not disclose, teach or suggest repeating the claimed steps for different time intervals” as recited in claims 20-22. Claims 2-3, 5, 7-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that any rejection of claims 2-3, 5, 7-25 and 27-39 be withdrawn.

Appl. No. 09/888,040
Amdt. dated Nov. 20, 2008
Reply to Office action of Aug. 20, 2008

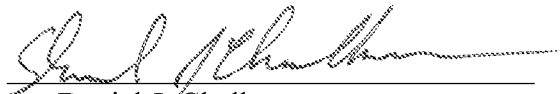
Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-3, 5 and 7-40 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: November 20, 2008

Respectfully submitted,

CHALKER FLORES, LLP

By 

Daniel J. Chalker
Reg. No. 40,552
Tel.: (214) 866-0001
Fax: (214) 866-0010

2711 LBJ Frwy, Suite 1036
Dallas, Texas 75234